



Overseas Voting Initiative Special Task Force Makes Recommendations to Improve Ballot Processes for Overseas Citizens

As of late June 2020, the United States Postal Service (USPS) lists 103 international mail disruptions as a result of COVID-19 pandemic-related complications, with the number of disruptions and specific locations changing regularly.¹ There are 20 states that only allow military and overseas voters to return their voted ballots to their local election officials by mail, and these voters will struggle to find a way to cast a ballot.²

For example, consider the hypothetical case of Mary, an American citizen living abroad. She is registered to vote in a state that only allows voted ballots to be returned by mail. Mail service is suspended to and from the country where she is living, so she cannot return her ballot by mail to her local election office in the U.S. Mary is informed that her only other option is to take her ballot to the U.S. Embassy for transport though diplomatic mail. As a result of the COVID-19 pandemic many cities such as Rome, Italy³ and Santiago, Chile⁴, have placed significant travel restrictions on its residents, only allowing them to leave the house for trips to the grocery store or pharmacy. Mary lives in a city with such restrictions and is not permitted to travel across the city to the embassy to access diplomatic mail. Therefore, Mary has no way to return her ballot in order for it to be counted.

For the 20 states that only allow ballot return via mail, there are limited options to ensure that overseas voters like Mary have access to federal election ballots. While the number of voters who may fall into this category could be relatively small, these individuals have the right to vote and each of their votes matter and could change the outcome of an election.

Further complicating this problem, policymakers have a very limited window of time to make any substantive changes to help voters in this situation. States and local jurisdictions are already deep into planning and implementation for voting procedures for the November presidential election. Integrating new ways to serve overseas voters, and the policies and procedures required to effectuate those changes, will be a daunting task.

The Council of State Governments Overseas Voting Initiative Working Group, comprised of 27 state and local election officials from across the nation and chaired by Washington Secretary of State Kim Wyman and Vermont Secretary of State Jim Condos, convened to specifically address the global mail disruptions and their impacts on overseas voters. **This group of elections officials, recognizing that they are uniquely positioned to advocate for the voters at issue, feel compelled to provide guidance to their election administration colleagues, governors, legislators and other stakeholders.** The Working Group compiled a list of available options for states to examine as a fail-safe for overseas voters to help prevent potential disenfranchisement.

Fail-Safe Task Force Recommendations for Consideration:

States and jurisdictions can cross-reference their voter registration data with USPS country codes to determine how many of their voters are in Mary's situation. They can also standardize their voter addresses to align with the USPS country codes to ensure this is a streamlined process in the future.

States can establish a temporary way for Mary, and only those voters specifically in her situation, to vote by proxy. There was some use of proxy voting in the U.S. elections prior to and during the Civil War.⁵ There are also international examples of proxy voting in elections, such as in the United Kingdom.⁶ Currently, proxy voting is used for many business and legal purposes, such as when a corporate board member assigns a proxy to vote in their absence. States can utilize similar procedures used to establish a power of attorney to enhance security for this method.

States and jurisdictions should engage in targeted outreach to overseas voters to ensure they have alternate means of contacting these voters. Mail disruptions may impact not only the return of voted ballots to election officials, but also officials' ability to inform their voters of changing election dates and deadlines. Email, specific web landing pages and social media should be leveraged to ensure that overseas voters fully understand their options and any changes to procedures and deadlines.



Some states and jurisdictions allow for one of several methods of electronic return of voted ballots for overseas voters. Although there are well-documented risks with all methods of electronic return and no method of electronic return can be fully-secured, states could establish a temporary method of electronic return only for affected overseas voters.⁷ Limiting this option to only affected overseas voters with no other options to return their ballots, may help mitigate some of the election risks and prevent disenfranchisement of these voters. On May 8, 2020, the U.S. Department of Homeland Security released a report that underlines the inherent risks associated with electronically returning voted ballots.⁸ The report was distributed to all members of the Elections Infrastructure Information Sharing and Analysis Center⁹. For states that allow electronic return of voted ballots or states considering allowing that for voters like Mary, the report outlines strategies to mitigate some of the risks associated with electronic return of voted ballots. States and jurisdictions must conduct a risk analysis and weigh the potential disenfranchisement of voters with the potential security issues inherent to electronic return of voted ballots. States and jurisdictions should follow best practices and perform risk-mitigating activities to secure each potential method of ballot return to the greatest extent possible.

Local election officials should be able to access their state procurement system. If a state is not including elections technology solutions as a priority during the COVID-19 pandemic, it is possible that its local election officials will not be able to procure what they need to accurately and safely serve the voters in the general election in November.

If resources are an issue for implementing any of these recommendations, states should determine whether they need to apply for federal funds made available through the U.S. Election Assistance Commission. States should formulate plans to provide the required matching funds as a result of election funding provided by the federal government through Coronavirus Aid, Relief, and Economic Security Act.

States should consider lengthening the time frame allowed for processing returned absentee ballots. It is anticipated that there will be a large increase in the use of absentee ballots due to COVID-19. As such, if states and local jurisdictions do not have sufficient time to process all ballots there is a risk that military and overseas ballots may not be counted. States should ensure they are informing voters of the deadlines and timeframes for returning absentee ballots and consider whether deadlines may be extended for extraordinary circumstances. States should explore whether an absentee ballot sent by a voter before the deadline that was delayed in reaching the voter's local election office due to international mail disruptions could still be counted.

The Federal Post Card Application (FPCA) is the form that allows military and overseas citizens to register to vote and request absentee voting materials as part of the benefits provided in the Uniformed and Overseas Citizens Absentee Voting Act. For states that require an electronically returned FPCA to be followed by a mailed hard copy, consideration should be given to relaxing the hard copy requirement in light of the real possibility that some overseas voters will have no way to comply.

States can do nothing and hope that the international mail disruptions subside. If mail delivery through organizations that include the USPS, FedEx and the United Parcel Service (UPS) does not resume to the affected countries, Mary and many other overseas American citizens will be unable to vote.

Ultimately, the decision on how American voters like Mary can return their ballots is up to individual states and their policymakers. However, the election officials comprising the Overseas Voting Initiative Working Group find it imperative that states understand that without action, thousands of American citizens living and working overseas may potentially be unable to vote.

End Notes

- ¹ <https://about.usps.com/newsroom/service-alerts/international/welcome.htm>
- ² <https://www.fvap.gov/covid-19>
- ³ <https://it.usembassy.gov/health-alert-u-s-embassy-rome-italy-march-12-2020-2/>; <https://www.latimes.com/world-nation/story/2020-03-09/italy-lock-down-over-coronavirus>
- ⁴ <https://cl.usembassy.gov/health%e2%80%afalert-u-s-embassy-santiago-covid-19-update-05-04-2020/>
- ⁵ <https://postalmuseum.si.edu/collections/object-spotlight/absentee-voting-in-the-civil-war-ohio-cover>
- ⁶ <https://www.gov.uk/voting-in-the-uk/voting-by-proxy>
- ⁷ https://turnout.rocks/documents/1/uocava_ballot_return_technical_recommendations_3ULmxP6.pdf
- ⁸ <https://www.wsj.com/articles/agencies-warn-states-that-internet-voting-poses-widespread-security-risks-11588975848>; <https://www.theguardian.com/us-news/2020/may/08/us-government-internet-voting-department-of-homeland-security>
- ⁹ <https://www.cisecurity.org/ei-isac/>

Overseas Voting Initiative Fail-Safe Task Force Members

The following state and local election official members of the Overseas Voting Initiative Working Group participated in the creation of and support the OVI Fail-Safe Task Force Recommendations:

HON. JIM CONDOS | VERMONT SECRETARY OF STATE
CSG OVI Working Group Co-Chair

HON. KIM WYMAN | WASHINGTON SECRETARY OF STATE
CSG OVI Working Group Co-Chair

MARCI ANDINO | EXECUTIVE DIRECTOR
South Carolina State Election Commission

LORI AUGINO | DIRECTOR OF ELECTIONS
Washington Secretary of State's Office

HON. BARB BYRUM | CLERK
Ingham County, Michigan

THOMAS CONNOLLY | DIRECTOR OF ELECTION OPERATIONS
New York State Board of Elections

LANCE GOUGH | EXECUTIVE DIRECTOR
Chicago Board of Election Commissioners

KEITH INGRAM | DIRECTOR OF ELECTIONS
Office of the Texas Secretary of State

HON. PAUL LUX | SUPERVISOR OF ELECTIONS
Okaloosa County, Florida

AARON NEVAREZ | ASSISTANT REGISTRAR-RECORDER
Los Angeles County Registrar-Recorder/County Clerk

HILARY RUDY | DEPUTY DIRECTOR
Elections Division, Colorado Department of State

JENNIFER SCUTCHFIELD | KENTUCKY ASSISTANT SECRETARY OF STATE

WILL SENNING | DIRECTOR OF ELECTIONS
Office of the Vermont Secretary of State

HON. DAVID STAFFORD | SUPERVISOR OF ELECTIONS
Escambia County, Florida

SANDI WESOLOWSKI | CITY CLERK
Franklin, Wisconsin

MICHAEL VU | REGISTRAR OF VOTERS
San Diego County, California

MICHAEL WINN | DIRECTOR OF ELECTIONS
Harris County Clerk, Texas

The Overseas Voting Initiative (OVI) Working Group is comprised of state and local election officials brought together to share best practices on how to support military and overseas citizens with absentee voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act. Although the OVI was formed by a cooperative agreement with the U.S. Department of Defense, the observations and recommendations published by the Overseas Voting Initiative and The Council of State Governments do not reflect the views of the U.S. Department of Defense or the Federal Voting Assistance Program.